

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JUSTIN CARNAZ HARDEN,

Plaintiff,

Case No. 1:22-cv-1120

v.

Honorable Ray Kent

BARBARA HOOVER et al.,

Defendants.

/

**ORDER LIFTING STAY AND FOR SERVICE**

This is a prisoner civil rights action. In an opinion and judgment (ECF Nos. 6 and 7) entered on January 18, 2023, the Court dismissed Plaintiff's complaint under 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c) for failure to state a claim upon which relief could be granted. Plaintiff subsequently appealed (ECF No. 8), and in an order (ECF No. 15) entered on December 21, 2023, the United States Court of Appeals for the Sixth Circuit reversed this Court's judgment and remanded for further proceedings.

After the Sixth Circuit's mandate (ECF No. 16) issued, this Court referred the case to the *Pro Se* Prisoner Civil Rights Litigation Early Mediation Program and entered an order staying the case for any purpose other than mediation. (ECF No. 17.) However, on February 20, 2024, Defendants filed a statement (ECF No. 18) asking to have this matter excluded from early mediation. The Court entered an order (ECF No. 19) removing the case from early mediation the next day. Accordingly,

**IT IS ORDERED** that the stay of this proceeding that was entered to facilitate the mediation is **LIFTED**.

**IT IS FURTHER ORDERED** that the agency having custody of Plaintiff shall again commence collection of the filing fee as outlined in the Court's prior order granting Plaintiff leave to proceed *in forma pauperis*.

**IT IS FURTHER ORDERED** that the 90-day period for service set forth in Federal Rule of Civil Procedure 4(m) shall run, starting with the date of this order.

**IT IS FURTHER ORDERED** that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to each Defendant in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

**IT IS FURTHER ORDERED** that each Defendant shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: February 26, 2024

/s/ Ray Kent

Ray Kent

United States Magistrate Judge